



Rep. Barbara Flynn Currie

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1 AMENDMENT TO SENATE BILL 1681

2 AMENDMENT NO. _____. Amend Senate Bill 1681, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Circuit Courts Act is amended by changing
6 Sections 2, 2f-1, 2f-2, 2f-4, and 2f-5 as follows:

7 (705 ILCS 35/2) (from Ch. 37, par. 72.2)

8 Sec. 2. Circuit judges shall be elected at the general
9 elections and for terms as provided in Article VI of the
10 Illinois Constitution. Ninety-four circuit judges shall be
11 elected in the Circuit of Cook County and 3 circuit judges
12 shall be elected in each of the other circuits, but in circuits
13 other than Cook County containing a population of 230,000 or
14 more inhabitants and in which there is included a county
15 containing a population of 200,000 or more inhabitants, or in
16 circuits other than Cook County containing a population of
17 270,000 or more inhabitants, according to the last preceding
18 federal census and in the circuit where the seat of State
19 government is situated at the time fixed by law for the
20 nomination of judges of the Circuit Court in such circuit and
21 in any circuit which meets the requirements set out in Section
22 2a of this Act, 4 circuit judges shall be elected in the manner
23 provided by law. In circuits other than Cook County in which
24 each county in the circuit has a population of 475,000 or more,

1 4 circuit judges shall be elected in addition to the 4 circuit
2 judges provided for in this Section. In any circuit composed of
3 2 counties having a total population of 350,000 or more, one
4 circuit judge shall be elected in addition to the 4 circuit
5 judges provided for in this Section.

6 Any additional circuit judgeships in the 19th and 22nd
7 judicial circuits resulting by operation of this Section shall
8 be filled, if at all, at the general election in 2006 only as
9 provided in Section 2f-1. Thereafter, however, this Section
10 shall not apply to the determination of the number of circuit
11 judgeships in the 19th and 22nd judicial circuits. The number
12 of circuit judgeships in the 19th judicial circuit shall be
13 determined thereafter in accordance with Section 2f-1 and
14 Section 2f-2 and shall be reduced in accordance with those
15 Sections. The number of circuit judgeships in the 22nd judicial
16 circuit shall be determined thereafter in accordance with
17 Section 2f-1 and Section 2f-5 and shall be reduced in
18 accordance with those Sections.

19 Notwithstanding the provisions of this Section or any other
20 law, the number of at large judgeships of the 12th judicial
21 circuit may be reduced by one or 2 judgeships as provided in
22 subsection (a-10) of Section 2f-4.

23 The several judges of the circuit courts of this State,
24 before entering upon the duties of their office, shall take and
25 subscribe the following oath or affirmation, which shall be
26 filed in the office of the Secretary of State:

27 "I do solemnly swear (or affirm, as the case may be) that I
28 will support the constitution of the United States, and the
29 constitution of the State of Illinois, and that I will
30 faithfully discharge the duties of judge of.... court,
31 according to the best of my ability."

32 One of the 3 additional circuit judgeships authorized by
33 this amendatory Act in circuits other than Cook County in which
34 each county in the circuit has a population of 475,000 or more

1 may be filled when this Act becomes law. The 2 remaining
2 circuit judgeships in such circuits shall not be filled until
3 on or after July 1, 1977.

4 (Source: P.A. 93-541, eff. 8-18-03.)

5 (705 ILCS 35/2f-1)

6 Sec. 2f-1. 19th and 22nd judicial circuits.

7 (a) On December 4, 2006, the 19th judicial circuit is
8 divided into the 19th and 22nd judicial circuits as provided in
9 Section 1 of the Circuit Courts Act. This division does not
10 invalidate any action taken by the 19th judicial circuit or any
11 of its judges, officers, employees, or agents before December
12 4, 2006. This division does not affect any person's rights,
13 obligations, or duties, including applicable civil and
14 criminal penalties, arising out of any action taken by the 19th
15 judicial circuit or any of its judges, officers, employees, or
16 agents before December 4, 2006.

17 (b) Of the 7 circuit judgeships elected at large in the
18 19th circuit before the general election in 2006, the Supreme
19 Court shall assign 5 to the 19th circuit and 2 to the 22nd
20 circuit, based on residency of the circuit judges then holding
21 those judgeships. The 5 assigned to the 19th circuit shall
22 continue to be elected at large. The 2 assigned to the 22nd
23 circuit shall continue to be elected at large.

24 (b-5) Except as provided in subsection (b-10), the number
25 of at large judgeships of the 19th judicial circuit shall be
26 the number of at large judgeships assigned to the 19th judicial
27 circuit pursuant to subsection (b) plus only the judgeship
28 designated as vacancy A by the State Board of Elections filled
29 at the 2006 general election. If, before, on, or after the
30 effective date of this amendatory Act of the 94th General
31 Assembly, the State Board of Elections has certified or
32 certifies one or more candidates for a judgeship of the 19th
33 judicial circuit designated as vacancy B or C by the State

1 Board of Elections, then all such certifications are revoked
2 and are null and void by operation of law and the names of any
3 such candidates shall not appear upon the 2006 general primary
4 ballot or the 2006 general election ballot for any of those
5 judgeships. Except as provided in subsection (b-10), the number
6 of at large judgeships of the 22nd judicial circuit shall be
7 the number of at large judgeships assigned to the 22nd judicial
8 circuit pursuant to subsection (b) plus only the judgeship
9 designated as vacancy A by the State Board of Elections filled
10 at the 2006 general election. If, before, on, or after the
11 effective date of this amendatory Act of the 94th General
12 Assembly, the State Board of Elections has certified or
13 certifies one or more candidates for the judgeship of the 22nd
14 judicial circuit designated as vacancy B by the State Board of
15 Elections, then any such certifications are revoked and are
16 null and void by operation of law and the names of any such
17 candidates shall not appear upon the 2006 general primary
18 ballot or the 2006 general election ballot for that judgeship.

19 (b-10) If this amendatory Act of the 94th General Assembly
20 is held unconstitutional and as a result the judgeships
21 designated by the State Board of Elections as vacancies A, B,
22 and C of the 19th judicial circuit are filled at the 2006
23 general election, then the number of at large judgeships of the
24 19th judicial circuit shall be only the number of at large
25 judgeships assigned to the 19th judicial circuit pursuant to
26 subsection (b). If this amendatory Act of the 94th General
27 Assembly is held unconstitutional and as a result the
28 judgeships designated by the State Board of Elections as
29 vacancies A and B of the 22nd judicial circuit are filled at
30 the 2006 general election, then the number of at large
31 judgeships of the 22nd judicial circuit shall be only the
32 number of at large judgeships assigned to the 22nd judicial
33 circuit pursuant to subsection (b).

34 (b-15) If subsection (b-10) applies, then each vacancy

1 occurring in an at large judgeship of the 19th judicial circuit
2 on or after the holding of unconstitutionality shall not be
3 filled by any means and each of those vacant judgeships is
4 abolished, until the number of at large judgeships of the 19th
5 judicial circuit returns to the number of at large judgeships
6 specified for the 19th judicial circuit by subsection (b-10).
7 If subsection (b-10) applies, then each vacancy occurring in an
8 at large judgeship of the 22nd judicial circuit on or after the
9 holding of unconstitutionality shall not be filled by any means
10 and each of those vacant judgeships is abolished, until the
11 number of at large judgeships of the 22nd judicial circuit
12 returns to the number of at large judgeships specified for the
13 22nd judicial circuit by subsection (b-10).

14 (c) The 6 resident judgeships elected from Lake County
15 before the general election in 2006 shall become resident
16 judgeships in the 19th circuit on December 4, 2006, and the 3
17 resident judgeships elected from McHenry County before the
18 general election in 2006 shall become resident judgeships in
19 the 22nd circuit on December 4, 2006.

20 (d) On December 4, 2006, the Supreme Court shall allocate
21 the associate judgeships of the 19th circuit before that date
22 between the 19th and 22nd circuits based on the residency of
23 the associate judges; however, the number of associate judges
24 allocated to the 19th circuit shall be no less than the number
25 of associate judges residing in Lake County on March 22, 2004.

26 (e) On December 4, 2006, the Supreme Court shall allocate
27 personnel, books, records, documents, property (real and
28 personal), funds, assets, liabilities, and pending matters
29 concerning the 19th circuit before that date between the 19th
30 and 22nd circuits based on the population and staffing needs of
31 those circuits and the efficient and proper administration of
32 the judicial system. The rights of employees under applicable
33 collective bargaining agreements are not affected by this
34 amendatory Act of the 93rd General Assembly.

1 (f) The judgeships set forth in this Section include the
2 judgeships authorized under Sections 2g, 2h, and 2j. The
3 judgeships authorized in those Sections are not in addition to
4 those set forth in this Section.

5 (Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04.)

6 (705 ILCS 35/2f-2)

7 Sec. 2f-2. 19th judicial circuit; subcircuits.

8 (a) The 19th circuit shall be divided into 6 subcircuits.
9 The subcircuits shall be compact, contiguous, and
10 substantially equal in population. The General Assembly by law
11 shall create the subcircuits, using population data as
12 determined by the 2000 federal census, and shall determine a
13 numerical order for the 6 subcircuits. That numerical order
14 shall be the basis for the order in which resident judgeships
15 are assigned to the subcircuits. Once a resident judgeship is
16 assigned to a subcircuit, it shall continue to be assigned to
17 that subcircuit for all purposes.

18 (b) The 19th circuit shall have a total of 6 resident
19 judgeships. The number of resident judgeships allotted to
20 subcircuits of the 19th judicial circuit pursuant to this
21 Section shall constitute all the resident judgeships of the
22 19th judicial circuit.

23 (c) The Supreme Court shall allot (i) all vacancies in
24 resident judgeships of the 19th circuit existing on or
25 occurring on or after the effective date of this amendatory Act
26 of the 93rd General Assembly and not filled at the 2004 general
27 election and (ii) the resident judgeships of the 19th circuit
28 filled at the 2004 general election as those judgeships
29 thereafter become vacant, for election from the various
30 subcircuits until there is one resident judge to be elected
31 from each subcircuit. No resident judge of the 19th circuit
32 serving on the effective date of this amendatory Act of the
33 93rd General Assembly shall be required to change his or her

1 residency in order to continue serving in office or to seek
2 retention in office as resident judgeships are allotted by the
3 Supreme Court in accordance with this Section.

4 (d) A resident judge elected from a subcircuit shall
5 continue to reside in that subcircuit as long as he or she
6 holds that office.

7 (e) Vacancies in resident judgeships of the 19th circuit
8 shall be filled in the manner provided in Article VI of the
9 Illinois Constitution.

10 (Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04;
11 93-1102, eff. 4-7-05.)

12 (705 ILCS 35/2f-4)

13 Sec. 2f-4. 12th circuit; subcircuits; additional judges.

14 (a) The 12th circuit shall be divided into 5 subcircuits.
15 The subcircuits shall be compact, contiguous, and
16 substantially equal in population. The General Assembly by law
17 shall create the subcircuits, using population data as
18 determined by the 2000 federal census, and shall determine a
19 numerical order for the 5 subcircuits. That numerical order
20 shall be the basis for the order in which resident judgeships
21 are assigned to the subcircuits. Once a resident judgeship is
22 assigned to a subcircuit, it shall continue to be assigned to
23 that subcircuit for all purposes.

24 (a-10) The first vacancy in the 12th judicial circuit's 10
25 existing circuit judgeships (8 at large and 2 resident), but
26 not in the additional judgeships described in subsections (b)
27 and (b-5), that exists on or after the effective date of this
28 amendatory Act of the 94th General Assembly shall not be
29 filled, by appointment or election, and that judgeship is
30 eliminated. Of the 12th judicial circuit's 10 existing circuit
31 judgeships (8 at large and 2 resident), but not the additional
32 judgeships described in subsections (b) and (b-5), the second
33 to be vacant or become vacant on or after the effective date of

1 this amendatory Act of the 94th General Assembly shall be
2 allotted as a 12th circuit resident judgeship under subsection
3 (c). ~~Of the 12th circuit's 10 existing circuit judgeships (8 at~~
4 large and 2 resident), 2 shall be allotted as 12th circuit
5 resident judgeships under subsection (c) as the first 2 of any
6 of those at large and resident judgeships become vacant on or
7 after August 18, 2003. As used in this subsection, a vacancy
8 does not include the expiration of a term of an at large or
9 resident judge who seeks retention in that office at the next
10 term.

11 (b) The 12th circuit shall have 3 additional resident
12 judgeships, as well as its ~~2~~ existing resident judgeship or
13 judgeships, and existing ~~8~~ at large judgeships, for a total of
14 12 ~~13~~ judgeships available to be allotted under subsection (c)
15 to the 5 subcircuit resident judgeships. The additional
16 resident judgeship created by Public Act 93-541 shall be filled
17 by election beginning at the general election in 2006. The 2
18 additional resident judgeships created by this amendatory Act
19 of 2004 shall be filled by election beginning at the general
20 election in 2008. After the subcircuits are created by law, the
21 Supreme Court may fill by appointment the additional resident
22 judgeships created by Public Act 93-541 and this amendatory Act
23 of 2004 until the 2006 or 2008 general election, as the case
24 may be.

25 (b-5) In addition to the number of circuit judges and
26 resident judges otherwise authorized by law, and
27 notwithstanding any other provision of law, beginning on April
28 1, 2006 there shall be one additional resident judge who is a
29 resident of and elected from the fourth judicial subcircuit of
30 the 12th judicial circuit. That additional resident judgeship
31 may be filled by appointment by the Supreme Court until filled
32 by election at the general election in 2008, regardless of
33 whether the judgeships for subcircuits 1, 2, and 3 have been
34 filled.

1 (c) The Supreme Court shall allot (i) the additional
2 resident judgeships of the 12th circuit created by Public Act
3 93-541 and this amendatory Act of 2004, and (ii) the second
4 vacancy ~~first 2 vacancies~~ in the at large and resident
5 judgeships of the 12th circuit as provided in subsection
6 (a-10), for election from the various subcircuits until, with
7 the additional judge of the fourth subcircuit described in
8 subsection (b-5), there is one resident judge to be elected
9 from each subcircuit. No at large or resident judge of the 12th
10 circuit serving on August 18, 2003 shall be required to change
11 his or her residency in order to continue serving in office or
12 to seek retention in office as at large or resident judgeships
13 are allotted by the Supreme Court in accordance with this
14 Section.

15 (d) A resident judge elected from a subcircuit shall
16 continue to reside in that subcircuit as long as he or she
17 holds that office.

18 (e) Vacancies in resident judgeships of the 12th circuit
19 shall be filled in the manner provided in Article VI of the
20 Illinois Constitution.

21 (Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04;
22 93-1102, eff. 4-7-05.)

23 (705 ILCS 35/2f-5)

24 Sec. 2f-5. 22nd circuit; subcircuits; additional resident
25 judgeship.

26 (a) The 22nd circuit shall be divided into 4 subcircuits.
27 The subcircuits shall be compact, contiguous, and
28 substantially equal in population. The General Assembly by law
29 shall create the subcircuits, using population data as
30 determined by the 2000 federal census, and shall determine a
31 numerical order for the 4 subcircuits. That numerical order
32 shall be the basis for the order in which resident judgeships
33 are assigned to the subcircuits. Once a resident judgeship is

1 assigned to a subcircuit, it shall continue to be assigned to
2 that subcircuit for all purposes.

3 (b) The 22nd circuit shall have one additional resident
4 judgeship, as well as its 3 existing resident judgeships, for a
5 total of 4 resident judgeships to be allotted to the 4
6 subcircuit resident judgeships. The additional resident
7 judgeship created by this amendatory Act of the 93rd General
8 Assembly shall be filled by election beginning at the general
9 election in 2006 and shall not be filled by appointment before
10 the general election in 2006. The number of resident judgeships
11 allotted to subcircuits of the 22nd judicial circuit pursuant
12 to this Section shall constitute all the resident judgeships of
13 the 22nd judicial circuit.

14 (c) The Supreme Court shall allot (i) all vacancies in
15 resident judgeships of the 22nd circuit existing on or
16 occurring on or after August 18, 2003 and not filled at the
17 2004 general election, (ii) the resident judgeships of the 22nd
18 circuit filled at the 2004 general election as those judgeships
19 thereafter become vacant, and (iii) the additional resident
20 judgeship of the 22nd circuit created by this amendatory Act of
21 the 93rd General Assembly, for election from the various
22 subcircuits until there is one resident judge to be elected
23 from each subcircuit. No resident judge of the 22nd circuit
24 serving on August 18, 2003 shall be required to change his or
25 her residency in order to continue serving in office or to seek
26 retention in office as resident judgeships are allotted by the
27 Supreme Court in accordance with this Section.

28 (d) A resident judge elected from a subcircuit shall
29 continue to reside in that subcircuit as long as he or she
30 holds that office.

31 (e) Vacancies in resident judgeships of the 22nd circuit
32 shall be filled in the manner provided in Article VI of the
33 Illinois Constitution.

34 (Source: P.A. 93-541, eff. 8-18-03; 93-1040, eff. 9-28-04;

1 93-1102, eff. 4-7-05.)

2 Section 97. Severability. The provisions of this Act are
3 severable under Section 1.31 of the Statute on Statutes.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".